Reg. No. KL/TV(N)/12



KERALA GAZETTE

SUPPLEMENTS

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Labour (A) Department

NOTIFICATION

G.O (Rt) No. 1370/82/LBR. *Dated, Trivandrum, 29th December 1982.*

The award of the Labour Court, Quilon in respect of the dispute between The President, Malayalapuzha Co-operative Society Limited No. Q. 378, Malayalapuzha, Thazham P.O. and the workman of the above Society namely Shri T. P. Viswanatha Pillai, Thamarasseril, Malayalapuzha, Thazham, Pathanamthitta received by Government on 8-12-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Quilon

Wednesday, the 1st day of December, 1982

Present:

SHRI T.V. KUNHAHAMED, B.A., B.L.,

Presiding Officer.

INDUSTRIAL DISPUTE No. 38/78

Between

The President, Malayalapuzha Co-operative Society Limited No. Q. 378, Malayalapuzha, Thazham P.O.

And

The Workman of the above Society namely Shri T. P. Viswanatha Pillai, Thamarasseril, Malayalapuzha, Thazham, Pathanamthitta.

Representations :—

Advocate Sri R. Jyothindranathan, Quilon. — For *the Petitioner*.

Advocate Sri N. Divakaran, Quilon — For *the Opposite party*.

AWARD

The question referred for adjudication by the Government of Kerala as per G. O. (Rt.) No. 665/78 L&H dated 21st April, 1978 relates to the dismissal of Shri T. P. Viswanadha Pillai, who shall hereinafter be referred to as the workman.

The workman entered appearance and filed a claim statement raising the following contentions:—

A prosecution was launched against the workman with the ulterior motive of eliminating him. He was in police custody before he was kept under suspension During the pendency of the criminal case the Administrator served a memo of charges on the workman. The allegations in the memo were the same as the basis for the criminal prosecution. The workman submitted an explanation denying all the allegations and explaining all the circumstances. Another notice was issued on 7th January 1976 The workman gave his reply on 28th January 1976. A third show cause notice was issued on 9th March, 1976. The workman appeared before the Administrator on 18th March 1976 and submitted his reply. On the basis of that reply the proceedings against the workman were suspended till the disposal of the Criminal case. As per judgement dated 28th August, 1976, the workman was acquitted by the Criminal Court. By that time the newly elected Board had assumed charge. They issued a fresh charge memo on 26th August 1976. A reply was given on 12th November, 1976. Subsequently the Board issued another notice whereby they tried to makes certain corrections to the memo of charges. The Board decided to conduct a domestic enquiry. The workman filed applications, requesting for permission to engage a lawyer and since the President of the Board who was conducting the enquiry was an Advocate, requesting that the enquiry may be conducted by a third person. Both the applications were not considered. Order of dismissal dated 14th May, 1977 was received by the workman on 19th May, 1977. The order states that the dismissal took effect on 20th September, 1975. As a matter of fact the allegations of misappropriation are baseless. The enquiry was not conducted in conformity with the principles of natural justice. The workman prayed for re-instatement with back wages.

The president of the Malayalapuzha Co-operative Society who shall hereinafter be referred to as the Management entered appearance and filed a statement of objections raising the following contentions: —

The workman was suspended after complying with all legal formalities. On 1st February 1975 the Administrator had issued a charge sheet totalling 18 cases of misappropriation of funds by the workman. But the workman did not send any reply. Subsequently, notices were issued calling upon him to repay the advance of rupees 5,829 and 16 paise received by him in the year, 1972-73. In his reply dated 10th September 1975 the workman states that he has already repaid some amount on 7th August 1973, 8th August, 1973 and 26th May, 1975. He had also stated that he is trying his best to repay the balance. On 20th September, 1975 the Administrator resolved to suspend him from service as per resolution No. 18 for grave

charges of misappropriation and Criminal breach of trust. Since he refused to accept the order of suspension the same was sent to him by registered post. The Administrator issued another notice informing the workman that a sum of rupees 51,000 (rupees Fifty one thousand) is due from him. Since his reply was found not to be satisfactory a show cause notice dated 7-1-1961 was issued. He was also given a personal hearing. The workman was acquitted by the Criminal Court giving him the benefit of the doubt. The Board of Directors took charge on 26th July, 1976. They decided to enquire into the charge of misappropriation levelled against the workman and issued the memo of charges dated 26th October, 1976. It was followed by an erratum notice dated 6th November, 1976. Since the explanation was found to be unsatisfactory a domestic enquiry was ordered. The workman participated in the enquiry which was held on 4-12-1976 The enquiry report was approved by the committee and the committee decided to dismiss the workman with effect from 20th September, 1975. The application for permission to engage a Lawyer was dismissed since the fact that the Enquiry Officer was a lawyer was not found to be sufficient ground for allowing the application. The Secretary was the Presiding Officer and he was not a Law Graduate. Further the examination of most of the witnesses were completed before the filing of the application. The belated application for appointment of a third person as the Enquiry Officer was also dismissed by the Enquiry Officer since he was convinced that the intention of the workman was only to delay and hinder the enquiry proceedings. The enquiry was conducted in full conformity with principles of natural justice. The society has filed arbitration case against the workman claiming more than 1,50,000 (One lakh, fifty thousand) rupees.

The workman file a replication reiterating his contentions and contending that the new Board had not give him sufficient time to gather materials in order to prepare to cross-examine the witnesses that the Enquiry Officer did not allow him to take copies of the depositions, and that the enquiry was conducted in violation of all principles of natural justice.

My learned predecessor considered the question regarding propriety of the enquiry as a preliminary issue and as per order dated 20th December, 1981, held that the enquiry was not a fair and proper one and therefore gave the management an oppertunity to adduce evidence in support of the charges, and posted the case to 17th August, 1981. The Preliminary Order reads:—

This is an industrial dispute referred to this Court for adjudication by Government of Kerala as per Order No G.O. (Rt) No. 665/78/L&H dated 21-4-1978. The issue referred is the following:—

"Dismissal of Sri T. P. Viswanatha Pillai".

The workman has filed a claim statement contending as follows:

The workman, who was Secretary under the management from 9-8-1977, was suspended on 20-9-1975 unlawfully. A criminal prosecution was also launched against him by the police. During the pendency of

criminal case an Administrator took charge of the Society and the latter a show cause notice served on him on 1-12-1975 which was followed by another notice on 7-1-1976 and third one on 9-3-1976. The workman had answered all the allegations in the notices. He was subsequently acquitted in the criminal case. Meanwhile a newly elected Board of Directors assumed charge of the Society and they issued a fresh notice with charges on 26-10-1976. The workman submitted his explanation on 12-11-1976 the Board issued an erratum notice on 26-10-1976. Thereafter a notice dated 22-11-1976 was issued to him informing him that a domestic enquiry was proposed to be conducted on 4-1-1977. The workman sought for permission to engage an advocate to appear for him. He also requested that third person may be appointed to conduct the enquiry. He eventually received on 19-5-1977. A notice dated 14-5-1977 informing him that he had been dismissed from service with effect from 20-9-1975.. The dismissal is illegal. The enquiry conducted against him was also a farce. There has been denial of the principles of natural justice. There are no reasons to support the order of dismissal. The workman may be ordered to be reinstated with back wages.

The Management has filed a counter statement raising the following contentions:— The workman was supended from service for proper reasons after complying with the required formalities. The suspension was valid. The explanation furnished by the workman to the memo of charges served on him by the new Board of Directors was unsatisfactory. He was intimated by registered notice that a domestic enquiry was arranged to be conducted on 4-12-1976. He attended the enquiry. Five witnesses were examined on that day. Subsequently the enquiry was closed on 21-3-1977 after examining further witnesses. The enquiry report was approved by the Committee and subsequently the workman was dismissed. There was no justification to allow the workman's prayer to engage a counsel, and it was widely dismissed. The request of the workman for an enquiry conducted by a third person was belated and was put forward only to delay and hinder the enquiry proceedings. There was no denial of natural justice. He has been rightly dismissed and he is not entitled to reinstatement.

The workman has filed a replication traversing the contentions raised by the manag ment.

The question whether the enquiry was properly conducted was tried as a preliminary issue. The President of the Management Society, who was conducted the enquiry was examined as M. W 1 and Exts. M1 to M13 and Exts. W1 to W4 were marked. Arguments were heard on the Preliminary issue.

The point for decision is whether the enquiry was properly conducted.

The point:— It is seen that the enquiry was conducted by the President of the Management Society who has to be considered to be the employer of the dismissed workman. The workman requested for an enquiry by a third person, no doubt only after the Enquiry was started but one cannot help feeling that in fairness. The Enquiry should have been got conducted by a person other than the employer himself. When the

employer himself conducts the enquiry the possibility of bias is very much there. In my opinion the enquiry conducted in this case cannot therefore considered to be a fair and proper one for the reasons stated above.

In the result, I find that the enquiry was not proper.

The Management will be an opportunity to support the order of dismissal by adducing evidence. If the Management adduced such evidence the workman will permitted to adduce counter evidence. In the light of the above finding, the case is posted for the Managemet's evidence to 17-8-1981."

"On 17th August 1931 the Management was not ready with evidence and therefore the case was adjourned to 14th september, 1981. Since there was no sitting on 14th September, the case was adjourned to 19th October, 1981. On 19th October 1981 an adjournment was granted at the instance of the management and the case was posted to 16th November, 1981. On 16th November 1981 the management represented that the parties are negotiating a settlement and therefore the case was adjourned to 7th December, 1981. The matter was not settled. On 7th December, 1931 it was reported that the matter has not been settled and the management applied for time and as a last chance the case was adjourned to 11-1-1932. On 11-1-1982 the advocate for the management applied on personal grounds and the case was adjourned to 8th February, 1982. Afterwards the case was adjourded by notification on three occasions. On 3rd May, 1982 the management and counsel were absent and the case was adjourned to 17th of May. Shri R. Jyothindranathan, one of the advacates for the management gave up the engagement for the management. The President of the society and the remaining advocates were absent. The case was adjourne as a last chance to 26th of July. On 26th of July, Sarvasree, N. Anirudhan, Sushamma Pathmalochanan and B. Suresh entered appearance for the Management and moved for time. The case was adjourned to 2nd of August. On 2nd August also the Management moved for adjournment and the case was adjourned to 13th of September. On 13th of September, the management and advocates were absent. Since no evidence was adduced by the management, the worker was heard.

Thus it is seen that the management has not availed of the opportunity afforded by any learned Predecessor to adduce evidence in support of the charges levelled against the workman. Since the management has faild to substantiate the charges, it has to be held that the workman is not guilty of the charges levelled against him. It follows that he is entitled to be reinstated with all back wages.

In the result I pass an award directing reinstatement of Sri T. P. Viswanadha Pillai with back wages.

Ditcated to the Confidential Assistant, transcribed by her, corrected and signed by me this the 1st day of December 1982.

T.V. KUNHAHAMED
Presiding Officer.

GA. 1/V.

Kerala Gazette No. 7 dated 15th February 1983.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 2/83/LBR. *Dated, Trivandrum, 1st January* 1983.

The award of the Labour Court Quilon in respect of the dispute between The Registrar, University of Kerala, Trivandrum. and the workman of the F. W. C. A. R. Centre namely Sri N. Raghavan Nair, Driver, Krishna Vilasom, Paniker's Lane, Sasthamangalam, Trivandrum received by Government on 23-12-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor

K. SIVADASAN,

Deputy Secretary to Government.

In the Labour Court, Quilon

Dated, this the 8th day of December, 1982

Present :

SHRI T. V. KUNHAHAMED, B.A., B.L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 7/81

Between

The Registrar, University of Kerala, Trivandrum

And

The Workman of the F.W.C.A.R. Centre namely Sri N. Raghavan Nair, Driver, Krishna Vilasom, Paniker's Lane, Sasthamangalam, Trivandrum

Representations:

Sri S. Venkataramana Kukillaya,
Advocate,
Vanchiyoor,
Trivandrum. } For *the Employer.*

Sri R. Lekshmana Iyer,
Advocate,
Sreekanteswaram,
Trivandrum-23. } For *the Workman.*

G.A. 5/V.

AWARD

1. The termination of services of Shri N. Raghavan Nair, Driver, F. W.C. A. R. Centre, University of Kerala from 20th December, 1980, is the dispute referred for adjudication by the Government of Kerala as per G. O. (Rt.) No. 481/81/LBR dated, 1-4-1981. The University of Kerala shall be referred to as the management and Shri Raghavan Nair shall be referred to as the workman.

2. The workman entered appearance and filed a claim statement raising the following contentions. He was appointed as a driver in the Family Welfare Communication Action and Research Centre (F.W.C.A.R) a Project undertaken and implemented by the management. He was 42 years old on 8-2-1962 the date of appointment. His services were terminated on 20th December, 1980. The termination amounts to retrenchment as contemplated in the Industrial Disputes Act. The Management has not complied with the procedure laid down in section 25 F of the Act. The workman was not paid compensation. There was no notice of retrenchment. The workman has been remaining unemployed ever since the date of termination of service.

3. The management entered appearance and filed a counter statement contending that the University of Kerala, is not an Industrial Concern that the F. W. C. A.R. Programme is a scheme run by the department of Family Planning, Government of India that all the expenses of the scheme are met by the Government of India, that all payments and the scales of pay are subject to the approval of Government of India, that the University of Kerala was only made an agent of the Department of Family Planning and the University was administering the F.W.C.A.R. through Honorary Director assisted by an Advisory Committee consisting of 9 members of whom two were Professors of the University and the Chairman of the Committee was the Vice Chancellor, that the centre had flexible programme therefore the staff requirements varies from year to year that all appointments were temporary from year to year as sanctioned by the Government of India, that the maximum number of staff employed in any year was not more than 29, that at present there are only 12 employees, that by about 1977. The Government of India ordered the F.W.C.A.R. Centre to be integrated with the demograph Research Centre of the Government of Kerala, that persons who had completed 60 years of age were not kept in the scheme that the workman was allowed an extension of six months after he completed 60 years, so that, he may not loose any benefit, he may get when the integration takes place that the extension was objected to by the Government of India, that the Department of Family Planning should be made a party to the proceeding that the age of retirement is 55 for all employees of the University except for Class IV Employees who are to retire on completion of 60 years, that Drivers are not Class IV Employees, that, the University is not liable for any of the reliefs claimed in the application and that the workman had refused to hand over charge, when he was retired.

4. The Workman filed a replication contending that this Gourt had jurisdiction to adjudicate on the reference, that the University of Kerala is an establishment coming within the ambit of the Industrial Disputes Act and termination of his services is an Industrial Dispute as defined in the Industrial Disputes Act, that the University is getting grant from several sources for many of its programmes that the F.W.C.A.R. is only a project of the University of Kerala that the age of retirement has not been fixed for the employees of the F.W.G.A.R. that even persons retired from Government services have been appointed in the F.W.C.A.R. that the department of Family Planning is not a necessary party that the Gentral Government had nothing to do with his appointment and that the workman is entitled to be reinstated with full back wages.

5. The questions whether the University of Kerala is an Industry and whether the University is the Employer of the workman were considered by my Learned Predecessor as preliminary issues. As per Preliminary Order dated 22nd of December, 1981, this court rejected the contention that the University of Kerala is not an Industrial Establishment and left the question whether the University is the employer of the workman to be considered at the final stage after taking evidence.

The Preliminary Order reads:—

This Industrial Dispute between the above parties regarding the termination of services of Shri N. Raghavan Nair, Driver, F.W. C. A. R. Centre, University of Kerala from 20-12-1980 was referred to this court for adjudication as per G. O. (Rt.)No. 481/81/LBR dated 1-4-1981. The ease of the workman is that he had been appointed as a Driver in a project undertaken and implemented by the University of Kerala known as "The Family Welfare Communication, Action and Research Centre (F.W.G.A.R.)" and that his services wereillegally terminated by the University on 20-12-1980 without complying with the provisions of section 25 F of the Industrial Disputes Act.

The University of Kerala raised a preliminary objection to the effect that the University of Kerala is not an 'Industrial Establishment' and further that the University is not the 'Employer' of the workman in question.

In view of the decision reported in 1978 (2) S.G.C. Page 213 the 1st objection cannot stand. The second objection is that the salary of the workman in question is being paid from the funds furnished by the Government of India for the implementation of the above mentioned scheme and that therefore the University is not the 'Employer'. This is a matter which can be properly decided only after taking evidence and determination of this question at this stage will be premature.

In the result of the above conclusions, the case will be posted for trial on mertis."

6. Ext. W1 and Ext. M1, M2 were marked and WW1 and MW1 were examined.

The main controversy between the parties is as to who is the employer of the workman. According to the Management the Employer is the Government of India, while according to the workman he was an employee of the University of Kerala. It is common ground that the workman was appointed with effect from 8th February 1962. The order of appointment has not been produced. The Management has relied on Ext. M1 a letter sent by the Ministry of Health and Family Welfare Government of India to Professor P. K. B. Nair, Professor and Head of the Department of Sociology asking him to forward the item wise and year wise break up of expenditure of rupees 7.61 lakhs incurred under different heads during the period through Registrar of the University. Ext. M2 is another letter, sent by the Ministry to the Registrar of the . University. This letter relates to the extension of service allowed by the Management to the workman. The case of the Management is that after completion of 60 years of age a temporary extension was allowed to the workman in order to give him a chance to get the benefits if any that he may become entitled to by merger of the F.W.C.A.R. with the Demographic Research Centre of Government of Kerala. The action of the management was not ratified by the Government of India since the Centre had not obtained the prior concurrence of the Ministry for extension of the services of the driver. Ext. M3 is the letter sent by the Government of India to the Registrar of the University calling upon him to furnish details regarding qualifications duties and scales of pay of the employees of the F.W.C.A.R. in order to enable the Government to finalise the integration of the F.W C.A.R. with the Demographic Research Centre. Ext. M4 dated 31-5-1969 is an order issued by the Secretary of the Advisory Committee of the F.W.C.A.R. Programme appointing afresh all the employees except the Doctor and Clerk-Cum-Typist for a further period of one year from 1968-69. The name of the workman is shown as number 26. As against this the workman has produced Ext. W1 an order issued by the Deputy Registrar terminating the services of the workman. This document refers to the earlier order provisionally allowing the Driver to continue in service for six months and Ext. M2 the letter sent by the Government of India, refusing to ratify the order of extension of service.

7. Dr. P.K.B. Nair, the Officer . in-charge of the F.W.C.A.R. programme has given evidence regarding the case of the management. The workman has examined himself. MW1 has stated, that the workman was appointed . from year to year, that F.W.C.A.R. is a project of the Government of India, that the Government of India is financing the project and the amount is paid in quarterly instalments, that appointments cannot be made without the sanction of the Government of India and every year details regarding staff and budget used to be given in advance and that the strength of the staff varied from year to year. The witness stated in cross-examination, that the Registrar was competent to take disciplinary action

against the driver, that drivers of the University retired at the age of 55. that the workman was allowed to continue up to 60 years as special case and that the age of retirement of the driver was not mentioned in the order of appointment.

8. WW1 stated in examination in chief that he had completed 42 years on the date of appointment that he was not informed of the age of retirement that his controlling authority was the head of the Department of sociology and that he was not given notice or compensation or gratuity at the time of termination of service. He stat d in cross-examination that it is not true to say that the order of appointment shows that the same was issued by the Registrar on behalf of Government of India that he does not know whether the F. W. C. A. R. is a Programme of the Government of India and whether the financial liability is that of the Government of India that he does not know whether sanction of the Government of India is required for making appointments and for terminating the services of employees, that it is not true to say that appointments were made for one year, that initialy there were 10 to 16 employees, that after some time the strength increased to 20-22 and at the time of termination of his service the strength was only 12, and that the age of retirement of class III Employees is 55 and that, of Class IV is 60 years, and that he does not know whether the Government of India had issued a direction to terminate his services. He stated in re-examination that class III Employees would get gratuity and pension.

9. If as a matter of fact the workman was appointed by the management, the order of appointment would show that the same was issued by the University and not on behalf of the Government of India. The Workman has not offer any explanation for not producing the appointment order. The Management has putforward a case that F. W. C. A. R. is a project of the Government of India and the staff of the Project used to be appointed for one year after getting the budget and estimte approved by the Government of India. It can be inferred from the non-production of the order of appointment that the workman was appointed for a period of one year .The case of the management that appointment used to be renewed every year is attempted to be proved by producing Ext. M4 the order under which the appointments were renewed for a period of one year from 1st April, 1969. The oral evidence which has already been referred to also shows that the F. W. C. A. R. is a project of Government of India and the staff used to be appointed for one year. M. W. 1 as well asW. W. 1 have spoken about the variation in the strength of the staff. The workman has admitted that the strength had gone up to 20 to 22 and at the time of term ination of his service the strength was only 12. This again shows that the staff strength used to be varied every year according to requirements.

10. It is common ground that the age of retirement of all University Employees except Class IV Employees. in 55 years. For Class IV Employee the retirement age is 60 years. If as a matter of fact, the

workman was an employee of the University he should have retired on completion of 55 years since drivers are not Employees belonging to class IV. The fact that the workman's services were not terminated on completion of 55 years of age is also a circumstance probablising the case of the management that the workman was not an Employee of the university.

11. For all the above reasons I have to conclude that there was no relationship of Employer and Employee between the University of Kerala and the workman and that the workman was working under the Government of India on an year to year basis.

12. MW1 had tried to get an extension of service for the workman in order to enable him to get the benefit of merger of the F. W. C. A. R. with the Demographic Centre of the Government of Kerala. The Government of India had declined to extend the services of the workman since the permission of the Government was not obtained by the Officer In-Charge of the F. W. C. A. R. Centre. Therefore, the workman's services had to be terminated. Since the workman was not an Employee of the University of Kerala he is not entitled to get any amount by way of gratuity or pension from the University. The Government of India, the Employer of the Workman is not a party to this proceeding. It has already been seen that the Employees of the F. W. C. A. R. were appointed only for one year. The contract of appointment expired at the end of the year. Even though that was the position the workman had put in nearly 19 years of service. Had he been an employee of the University of Kerala, the workman would have received some benefit at the time of retirement. The position would have been much better, if he were a regular employee of the Government of India. There is no reason why retirement benefits should be denied to the workman on some technical grounds. It is hoped that the authorities concerned would consider the case of the workman sympathetically and give him the pension and other benefits due to a similar employee who has completed 19 years of service.

13. In view of my finding that there is no relationship of Employer and Employee between the University of Kerala and the workman no relief can be granted to the workman.

In the result I pass an award upholding the termination of service of Shri N. Raghavan Nair, Driver, F. W. C. A. R. Centre.

This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

Dictated to the Confidential Assistant, transcribed by her, corrected and signed by me this the 8th day of December, 1982.

T. V. Kunhahamed,
Presiding Officer.

Appendix

Witness examined on the side of the worker :

WW1 N. Raghavan Nair.

Exhibits marked on the side of the workman :

Ext. W1. order No. Ad. F. I. (1) 817/80 Trivandrum dated 20-12-1980.

Witness examined on the side of the Management :

WW1 Dr. P. K. B. Nair.

Exhibits marked on the side of the Management :

Ext. M1. Letter from the Ministry of Health and Family Welfare dated 22-7-1980

Ext. M2. Letter from the Ministry of Health and Family Welfare New Delhi dated 20-11-1980.

Ext. M3. Letter from the Special Secretary, Kerala Government dated 30-3-1979

Ext. M4. Order No. F. P. O. 19/69, The University of Kerala, Kariavattom, Trivandrum dated 31-5-1569.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1333/82/LBR. *Dated, Trivandrum, 7th December 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between The Management of M/s National Timber and Match Works, Piravam, and their workmen represneted by the President, Piravam Panchayat Theepatti Company Thozhilali Union (CITU), Piravom, received by Government on 20-11-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

Wednesday, the 17th day of November 1982

Present :

SHRI N. SUKUMARAN, B. SC., B. L.
Presiding Officer.

INDUSTRIAL DISPUTE No. 15 OF 1981

Between

M/s. National Timber and Match Works, Piravam, represented by Shri Sinthiappan

And

The workmen of the above establishment represented by the President, Piravam Panchayat Theepatti Company Thozhilali Union, (CITU), Piravom

Representations :—

Shri K. V. Kuriakose, Advocate, Cochin-16. .. For *Management.*

Shri K. Janardhanan, Advocate, Ernakulam. .. For *Union.*

AWARD

Dismissal of Shri T. J. Chacko is the issue referred for adjudication by Government as per G. O. (Rt.) No. 395/81/LBR dated 19-3-1981.

II. The dismissal was after a domestic enquiry the correctness of which was seriously challenged by the Union. The validity of the domestic enquiry was tried by me as a preliminary issue and I have found as per my order dated 1-11-1982 that there was a proper and valid domestic enquiry. The finding of guilt rendered by the Enquiry Officer was also confirmed. Necessary facts are narrated in that order which I shall here extract in full :-

"ORDER

This reference concerns the dismissal of a worker by name Shri T. J. Chacko.

2. The Management initiated disciplinary proceedings against Shri Chacko alleging that he on 26-3-1980 at about 8.30 a. m. unauthorisedly switched off the electric motor that was in operation in connection with the production in the factory and paralysed the working of the same and prevented further work till 31-3-1980. It was further alleged that he pursuaded the other workers not to participate in the working of the factory during that interval. A memo to this effect was admittedly served on Shri Chacko by the Proprietor who was away from the locality from 26-3-1980 to 31-3-1980, on his return to the station. Shri Chacko filed his explanations pleading innocence to the charge, but stating that he as the leader of the workers' Union had only launched a strike as part of the agitation to redress certain legitimate demands of the workmen. The explanation was not acceptable to the Management. Therefore it ordered a domestic enquiry. Intimation regarding the domestic enquiry that was proposed to be held at 10 a. m. on 12-4-1980 at the factory was served on Shri Chacko. Shri Chacko appeared at the enquiry but did not participate throughout. The Proprietor conducted the domestic enquiry in the absence of Shri Chacko. As many as 21 witnesses were examined on the same day. On the basis of the evidence the Proprietor came to the conclusion that Shri Chacko is guilty of the charges and the punishment was awarded on the basis of those findings.

3. The Management in its written statement contends that Shri Chacko appeared at the domestic enquiry on 12-4-1980 and participated in it till 11.20 a. m. and thereafter left the place after leaving a letter for adjournment even though he was told that the enquiry cannot be postponed since it had been started. The Union in its rejoinder states that Shri Chacko was told by the Proprietor that the enquiry will stand adjourned to some other date and that is why he left the venue and the next communication received by him was the dismissal order. It is complained that the enquiry was held without giving the workman sufficient opportunity to defend himself. Yet another complaint is that the Proprietor had no authority to conduct the enquiry. Victimisation is also attributed to the

Management by saying that the workman who is the leader of the Union, was proceeded against without any reasonable basis. The allegation that Shri Chacko was guilty of the charges is denied. Reinstatement with all benefits is what is claimed.

4. In view of the rival contentions regarding the domestic enquiry it became necessary to consider the validity of the same as a preliminary issue. The Management did not want to examine the Proprietor who conducted the domestic enquiry. The workman was examined as WW1. The file containing the relevant papers in connection with the domestic enquiry marked for reference is Ext. M1. Ext- M1 (a) is the adjournment application submitted by Shri Chacko at the enquiry. Ext. M 1 (b)is the explanation filed by Shri Chacko in answer to the charges.

5. The first objection is that the Proprietor who initiated disciplinary proceedings had no authority to conduct a domestic enquiry. The Management is a proprietory concern. The Proprietor himself is managing the affairs. There is no other Manager or responsible officer to whom the task of the enquiry could have been entrusted. There is only a Foreman and some Clerks under the Proprietor other than the ordinary workers. So there was no question of deputing some other employee to conduct the enquiry. There is no rule that an outside agency has to be entrusted with the domestic enquiry. The proprietor therefore was competent to conduc the enquiry.

6. It is admitted in the rejoinder that the workman participated in the earlier stages of the enquiry and that he left only when the examination of the first witness started The proceedings recorded in Ext. M1 shows that the workman was asked as to whether he is pleading guilty or not and that the enquiry proceeded to the next stage of examination of the first witness on his pleading not guilty. It is admitted by both sides that Ext. M1 (a) letter for adjournment was submitted at that stage. In Ext. M1 (a) no objection was raised to the effect that the Proprietor should not conduct the enquiry. What is stated in Ext. M1 (a) is that the President of the Union hospitalised for an operation has also to participate at the enquiry and therefore an adjournment is necessary. It is seen that as many as 21 witnesses were present to be examined on the side of the Management. They were all examined on the same day. The Management claims that the record of enquiry and the findings were served on the workman with a memo to show cause why he should not be dismissed. Copy of that memo is also available in Ext. M1 file. There is no case that the workman did not receive those papers. Yet he did not raise a camplaint at that stage that the enquiry was proceeded in his absence against the understanding that it will be postponed. This circumstance is an indication from which it can reasonably be inferred that the Management did not give an u .dertaking to adjourn the enquiry from 12-4-1980. What is spoken to by the workman in his evidence as WW1 is that he

sought for an adjournment to seek advice from his Union as to whether the Proprietor is competent to conduct the enquiry. But that is not the reason stated in Ext. M1 (a). All these show that the Union's claim that there was a request for adjournment of the enquiry and the same was granted is not true. The Management's claim that the workman boycotted the enquiry even though he was told that it cannot be adjourned appears correct and probable. So the complaint that the workman was deceived by making him believe that the enquiry stands adjourned is not established.

7. Victimisation is also attributed to the Management. But this is a case where admittedly there was some development resulting in the stoppage of working the factory and the disciplinary proceedings were initiated on its basis. It is the admitted case that Shri Chacko gave the leadership for the stoppage of work. So the Management had reasonable basis to initiate disciplinary proceedings. It is not a case where action was initiated simply to harass Shri Chacko. So the criticism that victimisation was the motive behind the action is not genuine.

8. It is not even suggested that the findings of the Enquiry Officer are perverse. It is seen that as many as 21 witnesses were examined at the enquiry. The first witness is the Foreman. The next was the Clerk of the establishment. Others are co-workers of Shri Chacko. Witness Nos. 1 to 20 have given identical versions in support of the charges. The last witness alone said that Shri Chacko was not responsible for switching off the motor. What is stated by him is that the Foreman himself stopped it. But he also had admitted that the motor was switched off and the work paralysed. The uniform version spoken to by witness Nos. 1 to 20 at the enquiry has clearly established the charge that Shri Chacko unauthorisedly switched off the motor and persuaded the other workman to stop work and that the Factory could not be functioned till 31-3-1980. So the findings of guilt rendered by the Enquiry Officer are reasonable on the basis of the available evidence. The findings are therefore correct.

9. In the result it is hereby ordered that there was a proper domestic enquiry. The findings are also confirmed."

III. After the preliminary order both sides were heard on the validity of the punishment. What is to be considered is as to whether the workman is entitled to any reliefs in the matter of punishment. This is a case where the workman had unauthorisedly interfered with the machinery and paralysed the production in the factory without any justifiable reasons whatsoever. It is also seen that vast majority of the workmen of the establishment gave evidence at the domestic enquiry disproving the action of the delinquent. In these state of affairs the workman does not deserve any relief in the matter of punishment and the dismissal is appropriate when considering the gravity of the offence. So the dismissal is only to be confirmed and I do so. In the result an award is passed confirming the dismissal of Shri T. J. Chacko.

(Camp) Kottayam,
17-11-1982.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witness examined on the Union's Side :

WW1 Shri T. J. Chacko.

Exhibits marked on the Management's Side :

Ext. M1. The file containing the relevant papers in connection with the domestic enquiry.

" M1 (a). Adjournment application dated 12-4-1980 by Shri T.J. Chacko (in Ext. M1 file)

" M1 (b). Explanation filed by Shri Chacko in answer to the charges.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1/83/LBR. *Dated, Trivandrum, 1st January 1983.*

The award of the Labour Court, Ernakulam in respect of the dispute between The Manager, Mooply Estate Palappilly, Trichur District and the workmen of the above concern represented by the Secretary, Rubber Estate Workers Congress, CITU, Palappilly, Trichur District received by Government on 13-12-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
K. SIVADASAN,
Deputy Secretary to Government.

In the Labour Court, Ernakulam

Tuesday, the 7th day of December, 1982

Present :

SHRI N. SUKUMARAN, B. SC., B.L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 75 OF 1981

Between :

The Manager, Mooply Estate, Palappilly, Trichur District

And

The workmen of the above concern represented by the Secretary Rubber Estate Workers Congress, CITU, Palappilly, Trichur District

Representations :—

M/s. Menon & Pai, Advocates, Ernakulam. } For *Management*

Shri Premlal, A. P., Advocate, Trichur-3. } For *Union*

AWARD

Dismissal of three workmen by the Management of an Estate is the issue referred for adjudication by Government as per G. O. (Rt.) No. 1043/81/LBR dated 14-8-1981.

II Disciplinary proceedings were initiated by the Management alleging that the workmen were guilty of misconducts connected with an incident that occurred in the Estate on 16-3-1979. After obtaining the explanations from the workmen a domestic enquiry was conducted. The dismissal followed on the basis of the findings that the workmen were guilty of the misconducts attributed to them. The validity of the domestic enquiry was considered as a preliminary issue in view of the rival contentions on that aspect. I found in my order dated 2-12-1982 that there was a valid and proper domestic enquiry. The findings at the enquiry were also confirmed as correct. Necessary facts have been narrated in that order which I shall here extract in full :—

"ORDER

Three workmen of an Estate were dismissed and the correctness of those dissmissals is the issue involved in this case. The dismissals were after a domestic enquiry. The workmen participated in the enquiry through out. They cross-examined the Management's witnesses and examined as many as six witnesses in defence. The enquiry was conducted by the Acting Superintendent who gave his finding that the workmen were guilty. The Acting Superintendent himself inflicted the punishment of dismissals. The Management is defending the action by saying that the workmen were really guilty of the charges as they were well established in a properly conducted domestic enquiry. The Union in the charter of demands appended to the reference as well as the rejoinder filed before this Court attacks the action of the Management of one intended to victimise the workers. According to the Union there was no proper or valid domestic enquiry and it was held in violation of all principles of natural justice. The workmen are really innocent and the findings of guilt rendered by the Enquiry Officer are against facts and circumstances revealed in evidence. Reinstatement of the workmen with all benefits is what is claimed by the Union.

2. The point for consideration is as to whether there was a proper and valid domestic enquiry. The Enquiry Officer is examined as MW1. Ext. M4 is the file containing the depositions of the witnesses and findings of the enquiry. The findings are separately marked as Ext. M4 (a).

3. The charge against the workmen is that they on 16-3-1979 at the morning muster shouted at the Assistant Superintendent Mr. Cariappa using vulgar words and threatened to assault him. It was alleged that workman Shri Moideen started the trouble and the other two joined hands with him. Show cause notices were issued to the workmen on the basis of a complaint preferred by the Assistant Superintendent. Copies of the show

cause notices are Exts. M1, M1(a), and M1(b). The workmen filed separate explanations and they are Exts. M2, M2 (a) and M2 (b). They had admitted in the explanation that there was some incident at the muster ground on the relevant day involving themselves and the Asst. Superintendent, but contended that the Asst. Superintendent was the aggressor and that the Asst. Superintendent had hit Shri Moideen on his chest with a spade. This explanation did not find favour with the Management and so formal charges were framed and served on the workmen. Copies of those charges are Exts. M3, M3 (a) and M3 (b). It was also notified in the charges that a domestic enquiry will be held by the Acting Superintendent.

4. Various criticisms are raised against the domestic enquiry by the union in the rejoinder filed. The Management has a case that the Union cannot raise those contentions at this stage because such contentions were not availed of at the stage when approval of the action of the Management in having dismissed the workmen was sought for before this court under Sec. 33 (2) (b) of the Industrial Disputes Act. Ext. M5 is the attested copy of the order under which approval was granted after serious contest. It is true that it was conceded by the workmen, the opposite parties in the approval application, that the enquiry was held in accordance with the principles of natural justice. But it is open to the Union to challenge the validity of the domestic enquiry on all available grounds at this stage even though approval was granted in Ext. M5. So the argument that the Union is estopped from raising those contentions cannot be accepted.

5. The first objection is that the Management's action lacks bona fide and the intention is only to victimise the workmen. This objection is not tenable as it is the admitted case that there was an incident involving the workmen and the Asst. Superintendent. The defence in answer to the show cause notice is that the Asst. Superintendent was the aggressor. The Acting Superintendent initiated action on the basis of a report of the Asst. Superintendent. So it cannot be said that there was no reasonable basis to initiate action. As regards the allegation of victimisation there is only a general statement that the officers of the Estate wanted to victimise these workmen. Details are wanting. There is also no proof in support of the case that the Officers had a special reason to victimise the workmen. So the allegation that victimisation is a motive for action and the action, therefore, lacks bona fides is raised without any valid reasons.

6. The next objection is that the charges are vague. A reading of the show cause notice, the explanation submitted by the workmen and the formal charges framed later would indicate that the details of the allegations were furnished to the workmen and that the workmen had understood the contents and the implications of the same. The explanation submitted by them is sufficient to say that the workmen fully understood the substance of the allegations. They have denied the allegations and have

raised a specific plea that they were innocent and the Asst. Superintendent was at fault. It is unnecessary to narrate the contents of the charges in detail. Suffice it to say that the charges are clear and unambiguous and it contains sufficient material for the workmen to know the substance of the misconduct attributed to them.

7. Malice is also attributed to the Enquiry Officer. Here again there is only a contention to that effect. That is not substantiated by any evidence.

8. Another allegation is that the Enquiry Officer was not competent to conduct the enquiry because he was not the appointing authority. There is no rule that the appointing authority himself should conduct an enquiry even if it is assumed that the Acting Superintendent is not the appointing authority. Even otherwise the Enquiry Officer has stated that he as the Acting Superintendent was the appointing authority. So this criticism is also without any basis.

9. Another complaint is that the Enquiry Officer did not allow the workmen to have the assistance of a lawyer or some other persons at the enquiry. There is nothing to show that the workmen had requested for such assistance. On the other hand the enquiry papers show that the workmen fully participated in the enquiry and cross-examined the witnesses for the management themselves and examined their own witnesses six in number. There is no obligation on the part of the Enquiry Officer to give assistance to the workmen even when it is not asked for. So the failure to provide assistance through an Advocate or somebody else is of no serious consequences at all.

10. Another contention is that the workmen were not given sufficient time to prepare themselves to have an effective defence of the case. But the workmen did not express any such difficulty at the enquiry. If in fact they felt any difficulty in proceeding with the case without further preparation then it was open to them to ask for time and to equip themselves with the necessary details to conduct the defence more effectively. Having not done that at the appropriate time it cannot now be legitimately complained that sufficient opportunity was not given.

11. Another complaint is that sufficient opportunity was not given to cross-examine the Management's witnesses. There is nothing on record from which it could be said that it is a genuine complaint. On the other hand Ext. M4 shows that the workmen were given ample opportunity to cross-examine the Management's witnesses. This complaint is also raised without reasonable basis.

12. Though not specifically pleaded it is argued on behalf of the Union that the workmen were seriously handicapped as the enquiry proceedings were held in English by MW1. The failure to raise such a contention is very significant. The natural inference is that the workmen were not really handicapped on account of the fact that the proceedings were held in English. MW1 has stated that there was an interpreter at the

enquiry and that the proceedings were translated to the workmen in their language. The record also reveals that such a course was adopted. The trend of the cross-examination evidenced by the record indicates that the workmen had understood the proceedings. There is no case that the interpreter did not correctly translate the proceedings to the workmen. In these state of affairs this complint is also without any reasonable basis.

13. Yet another complaint is that the Enquiry Officer did not correctly appreciate the evidence and the findings are perverse. The Asst. Superintendent had given detailed evidence in support of the complaint. He is fully corroborated on all essential particulars by the Conductor who admittedly was present at the scene. In the explanation submitted (Ext. M2 series) these workmen had admitted that Shri Moideen refused to obey the directions of the Asst. Superintendent to take up the task work that was allotted to him and threw away the spade, an implement supplied to him from the Company to attend to his work, in protest and the Asst. Superintendent then warned Shri Moideen against such action and that the other two workmen interfered and protested the action of the Asst. Superintendent. Of course they have also said that the Asst. Superintendent had attacked Shri Moideen by hitting him on his chest with his spade. It was to prove this act attributed to the Asst. Superintendent that the defence witnesses were examined. But witness Nos. 3 to 6 for the defence did not support them on this allegation. Witness No. 2 who claimed in the chief examination that the Asst. Superintendent attacked Shri Moideen stated in cross-examination that he has no direct information regarding the same. The only witness who sticks on to the defence version is the first witness. His version does not seen probable in view of the fact that the incident is alleged to have taken place at the muster where large number of workmen had assembled and the Asst. Superintendent and the Conductor alone on the other side could not naturally have ventured to attack one of the workmen. It is also pertinent to notice that Shri Moideen did not prefer any complaint regarding the so-called assault on him. What is stated by Moideen's explanation is that he fainted on receiving the hit on his chest. If that be so it was not a simple assault. But the evidence is that Shri Moideen and his fellow workmen straight away proceeded from the muster ground to the workspot to carry out their normal duties. So the story that the Asst. Superintendent was the aggressor and Shri Moideen and the other two workmen were innocent cannot be believed. The evidence of the Asst. Superintendent and the Conductor examined on behalf of the Management can therefore be safely accepted. If that is the position the charge is well established. The findings cannot, therefore, be termed as perverse. They are only to be confirmed and I do so.

14. In the result it is hereby found that the enquiry was held properly giving sufficient opportunity to the workmen to defend themselves without violating any of the principles of natural justice. The findings of the Enquiry Officer are also correct."

G.A. 4/V.

III. What remains for consideration is as to whether the workmen are entitled to any reliefs in the matter of punishment as per Section 11-A of the Industrial Disputes Act. The misconduct proved is that the workmen used abusive language against the Asst. Superintendent Mr. Cariappa and attempted to assault him. It is said that in that attempt the workers waved a spade and an iron bar at Cariappa. As a matter of fact the workers could have materialised their intention by actually assaulting Sh i Cariappa if they really wanted to do so. So it is evident that they only wanted to threaten him. The whole incident started and developed on a dispute as to whether the workers were bound to do task work. So it was not a premedicated or calculated move on the part of these workers. It is an unfortunate development on the basis of arguments that started concerning the details of the work to be done. In these circumstances a very serious view of the misconduct is not called for. The maximum penalty of dismissal, therefore, cannot be treated as proportionate to the gravity of the offence. Loss of back w ges and break of service for the interval will be sufficient punishment. So the workmen can be reinstated without benefits of back wages and without continuity of service regarding the broken period. The actual service rendered by the workmen will be tacked on to the service that they are to render consequent on the re-instatement that is hereby ordered. In the other words the broken period will not be considered for any purpo e whatsoever.

IV. In the result an award is passed directing the Management to reinstate the workmen in terms indicated above.

Ernakulam,
7-12-1982.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witness examined on the Management's side :

MW1 Shri K. M. Ganapathy.

Exhibits marked on the Management's side :

Ext. M1. Show cause notice dated 16-3-1979 issued to Shri Moideen.
,, M1 (a) do. 1310 Moideen.
,, M1 (b) do. Shri Mohammed Ali.
,, M2. Explanation of 1256 H. Moideen dated 23-3-1979.
,, M2 (a) do. 1310 Moideen dated 19-3-1979.
,, M2 (b) do. Muhammad Ali dated 20-3-1979.
,, M3 Charge sheet dated 26-3-1979 issued to 1256 Moideen.
M3 (a) do. 1310 Moideen.
M3 (b) do. 1371 Mohammed Ali.
,, M4 The file containing the enquiry papers.
,, M4 (a) Findings of the enquiry officer (in Ext. M4)
,, M5 Certified copy of the order of the Labour Court, Ernakulam in M. P. No. 67/79.

Kerala Gazette No. 7 dated 15th February 1983
PART I Section i

GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 11867/Leg. Pbn. 2/82/Law. *Dated, Trivandrum, 19th August,* 1982.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II-Section 1, dated the 15th April, 1982 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 14th April, 1982.

By order of the Governor,
K. VISWANATHAN NAIR,
Special Secretary (Law).

THE CENTRAL SILK BOARD (AMENDMENT) ACT, 1982

An

Act

further to amend the Central Silk Board Act, 1948.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This act may be called the Central Silk Board (Amendment) Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4.*— In section 4 of the Central Silk Board Act, 1948 (61 of 1948) (hereinafter referred to as the principal Act), after sub-section (4), the following sub sections shall be inserted, namely:—

"(5) Subject to the other provisions of this Act, the term of office of a member shall be such period, not exceeding three years, as may be prescribed.

(6) Notwithstanding anything contained in sub section (5),—

(a) the Gentral Government may terminate the appointment of the Ghairman after giving him notice for a period of not less than three months;

(b) the Chairman may resign his office by giving notice in writing for a period of not less than three months to the Central Government, and on such resignation being notified in the Official Gazette by that Government, the Chairman shall be deemed to have vacated his office.".

3. *Amendment of Section 13.*— In section 13 of the principal Act, in sub-section (3), for the words "which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid," shall be substituted.

GOVERNMENT OF KERALA

(Law Legislation-Publication) Department

NOTIFICATION

No. 13294/Leg. Pbn. 2/82/Law. *Dated, Trivandrum, 14th September,* 1982.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II-Section 1, dated the 11th May, 1982, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 11th May, 1982.

By order of the Governor,
K. VISWANATHAN NAIR,
Special Secretary (Law).

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMENDMENT ACT, 1982

An

Act

further to amend the Industrial Employment (Standing Orders) Act, 1946.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Industrial Employment (Standing Orders) Amendment Act, 1982.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section* 2.— In section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) (hereinafter referred to as the principal Act),—

(*a*) to clause (*b*), the following proviso shall be added, namely:—

"Provided that where any question arises as to whether any industrial establishment is under the control of the Central Government, that Government may, either on a reference made to it by the employer or the workman or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties;";

(*b*) for clause (*i*), the following clause shall be substituted, namely:—

'(*i*) "wages" and "workman" have the meanings respectively assigned to them in clauses (*rr*) and (*s*) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947).'.

3. *Amendment of section* 6.— In section 6 of the principal Act, in subsection (1), for the words "Any person", the words "Any employer, workman, trade union or other prescribed representatives of the workmen" shall be substituted.

4. *Amendment of section* 10.— In section 10 of the principal Act,—

(a) in subsection (1), after the words "the workmen", the words "or a trade union or other representative body of the workmen" shall be inserted;

(b) in sub section (2),—

(*i*) after the words "or workmen", the words "or a trade union or other representative body of the workmen" shall be inserted;

(*ii*) after the words "and the workmen", the words "or a trade union or other representative body of the workmen" shall be inserted.

5. *Insertion of new section 10 A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Payment of subsistence allowance.*— (1) Where any workman is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance—

(a) at the rate of fifty per cent of the wages which the workman was entitled to immediately preceding the date of such suspension, for the first ninety days of suspension; and

(b) at the rate of seventy-five per cent of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman.

(2) If any dispute arises regarding the subsistence allowance payable to a workman under subsection (1), the workman or the employer concerned may refer the dispute to the Labour Court, constituted under the Industrial Disputes Act, 1947, (14 of 1947) within the local limits of whose jurisdiction the industrial establishment wherein such workman is employed is situate and the Labour Court to which the dispute is so referred shall, after giving the parties an opportunity of being heard, decide the dispute and such decision shall be final and binding on the parties.

(3) Notwithstanding anything contained in the foregoing provisions of this section, where provisions relating to payment of subsistence allowance under any other law for the time being in force in any State are more

beneficial than the provisions of this section, the provisions of such other law shall be applicable to the payment of subsistence allowance in that State.".

6. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (1), for the words and figures "sections 480 and and 482 of the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted.

7. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (4), for the words "a Presidency Magistrate or Magistrate of the second class", the words "a Metropolitan Magistrate or Judicial Magistrate of the second class" shall be subsntuted.

8. *Amendment of section 13 A.*— In section 13 A of the principal Act, after the words "or workman", the words "or a trade union or other representative body of the workmen" shall be inserted.

9. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (3), for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 13912/Leg. Pln. 2/82/Law. *Dated, Trivandrum, 24th September 1982.*

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II, Section 1, dated the 11th May, 1982, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 11th May, 1982.

By order of the Governor,
K. VISWANATHAN NAIR,
Special Secretary (Law).

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1982

ACT 16 OF 1982

An

Act

further to amend the Indian Railways Act, 1890.

Be it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Indian Railways (Amendment) Act, 1982.

2. *Insertion of new Section 114 A.*— In the Indian Railways Act, 1890 (9 of 1890) (hereinafter referred to as the principal Act), after section 114, the following section shall be inserted, namely:—

"114A. *Penalty for unauthorised carrying on of business of procuring and supplying railway tickets.*— (1) If a person, not being a railway servant or an agent authorised by the railway administration in this behalf,—

(a) carries on the business of procuring and supplying tickets for travel on a railway or for reserved accommodation for journey in a train; or

(b) purchases or sells or attempts to purchase or sell tickets with a view to carrying on any such business either by himself or by any other person,

he shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees, and shall also forfeit the fare which he may have paid for any ticket and the ticket which he may have purchased, supplied or sold or attempted to supply or sell.

(2) Whoever abets any offence punishable under this section shall, whether or not such offence is committed, be punishable with the same punishment as is provided for the offence.".

3. *Amendment of Section 131.*— In section 131 of the principal Act, in sub-section (1), after the figures "112,", the figures and letter "114, 114A," shall be inserted.



GOVERNMENT OF KERALA

Abstract

RULES— KERALA TREASURY CODE VOLUME II—AMENDMENT TO RULE 18 OF APPENDIX 3—ORDERS ISSUED

FINANCE (S. L.) DEPARTMENT

G. O. (P) 30/83/Fin. **Dated, Trivandrum, 11th January 1983.**

Read:—Letter No. H3. 4624/82/dated 19-3-1982 and 13-7-1982 from the Director of Treasuries, Trivandrum.

NOTIFICATION

S. R. O. No. 145/83.—In exercise of the powers conferred by clause (2) of article 283 of the Constitution of India, the Governor of Kerala hereby makes the following rules further to amend the Kerala Treasury Rules, namely:—

RULES

C. S. No. 2/83/*Fin dated* 11*th January* 1983

1. *Short title and commencement*:—

   (i) These rules may be called the Kerala Treasury (Amendment) Rules, 1983.

   (ii) They shall come into force at once.

2. *Amendment to the rules.*—

   In the Kerala Treasury Rules, in Appendix 3 for rule 18 excluding the notes thereunder the following rule shall be substituted, namely:—

   "18 (a) The deposits to an account shall be made either in cash as provided in this sub rule or in the forms of Government bills/drafts/cheques as provided in sub rule (b). Deposits to an account made in cash shall be accompanied by a pay-in-slip in Savings Bank Form No. 3.

   (b) Deposits to an account made in the forms of Government bills cheques drawn or endorsed in favour of the depositors concerned and payable at the Treasuries at which the Savings Bank Accounts

stand or in the form of bank drafts or cheques drawn in favour of the depositors concerned and payable anywhere in India where a branch of the State Bank of India or the State Bank of Travancore or any other subsidiary of the State Bank of India exists shall be subject to the following conditions, namely:—

(1) a pay-in-slip in Savings Bank Form No. 4 shall be presented along with such bills/drafts/ cheques;

(2) a minimum running balance of Rs. 100 shall be retained in such Savings Bank Accounts."

By order of the Governor,
P. SAHADEVAN,
Additional Secretary to Government (Finance).

Explanatory Note

(This note does not form part of the notification but is intended to indicate its general purport).

There is a provision in the liberalised Treasury Savings Bank Rules permitting the deposit of amount by bills, cheques, drafts etc. This provision is intended as an additional facility to the Savings Bank Depositors. But in practice, it is observed that this facility is being misused and that most of the accounts in which this facility is being made use of do have only a minimum balance of Rs. 10. This goes against the very purpose for which Savings Bank facility is offered viz. encouraging thrift. In the circumstances, it is proposed to insist on the maintenance of a minimum running balance of Rs. 100 in Savings Bank Accounts in which the facility for collection of bills, drafts etc. is to be extended. Hence this amendment.

To

The Accountant General, Kerala, Trivandrum
All Heads of Departments and Offices
All Departments and Sections of the Secretariat
The Registrar, High Court, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut ,,
The Registrar, Agricultural University, Mannuthy Trichur ,,
The Advocate General, Ernakulam ,,
The General Manager, Kerala State Road Transport Corporation, Trivandrum ,,
The Secretary, Kerala Public Service Commission ,,
The Secretary, Vigilance Commission ,,
The Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government
The Secretary, Kerala State Electricity Board, Trivandrum
The Private Secretaries to the Chief Minister and other Ministers
The Secretary to the Governor
The Under Secretary to the Chief Secretary.
The Private Secretary to the Leader of opposition, Room No. 28 Legislator's Hostel (old Block) Trivandrum.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 20312/TC2/82/TF&P. *Dated, Trivandrum, 6th January,* 1983

S. R. O. No.146/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri V. K. Raveendran, Sona Roadways, Cannanore that the vehicle tax for the quarter ended on the 30th June, 1982 in respect of the Stage Carriage bearing Registration Number KLC. 7998 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1982, due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ended on the 30th June, 1982, in respect of the said stage carriage;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ended on the 30th June, 1982, in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before the 30th September, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/ 75-5/PW. dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

[P.T.O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received representation from the Stage Carriage Operators as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended 30th June, 1982, due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 22546/TC2/82/TF&P. *Dated, Trivandrum, 6th January* 1983

S.R.O. No. 147/83.—Whereas representation has been received by Government from the Stage Carriage Operator Shri P. Radhakrishnan, Menon Rodlines, Chalakudy, Trichur that the arrears of vehicle tax for the quarter ended on the 30th September, 1978, 31st March, 1981, and 30th June, 1981 in respect of the Stage Carriage bearing Registration Number KLH. 1796 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th September, 1978, 31st March, 1981, and 30th June, 1981 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to permit the stage carriage operator to remit the arrears of vehicle tax for the quarter ended on the 30th September, 1978, 31st March, 1981, and 30th June, 1981 in respect of the said stage carriage in equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the arrears of vehicle tax for the quarter ended on the 30th September, 1978, 31st March, 1981 and 30th June, 1981 in respect of the said stage carriage ordinarily kept for use in the State shall be paid in ten consecutive equal monthly instalments starting from 15th September, 1982 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
T. SANKARAN,
Additional Secretary to Government.

G. 167

[P.T.O.]

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the quarter ended 30th September, 1978, 31st March, 1981, and 30th June, 1981 due to financial strain;

Government are convinced of the position and in public interest grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Kerala Gazette No. 7 dated 15th February 1983.
PART I

Section iv

GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. G. O. (Rt.) 51/83/LBR. *Dated, Trivandrum, 18th January* 1983.

S. R. O. No. 148/83.—Where as the Government of Kerala are satisfied that public interest so requires that the opening time of the two theatres, namely Archana and Aradhana at Quilon under the Management of M/s Sri Entertainers Troupe, should be fixed as 12 noon, for the purpose of conducting noon shows ;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 10 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), the Government of Kerala hereby order that for a period of six months from the date of this notification, the said theatres shall not be opened earlier than 9 a.m. on Saturdays, Sundays and Public holidays which fall on other days of the week, and 12 noon on all other days, or closed on any day later than 2 a. m.

By order of the Governor,

V. KRISHNAMURTHY,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The provisions of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960) are applicable to the Cinema Theatres in this State. M/s Sri Entertainers Troupe, Quilon have requested Government to issue orders permitting then to conduct noon shows from 12 noon in Archana and Aradhana theatres under their management. Government consider that the request may be allowed for a period of six months.

This notification is to achieve the above purpose.

G. 156

Kerala Gazette No. 7 dated 15th February 1983.
PART I **Section iv**



GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G. O. (P) No. 4/83/G. Edn. *Dated, Trivandrum, 4th January* 1983.

S. R. O. No. 161/83:—In exercise of the powers conferred by section 10 of the Kerala Education Act, 1958 (6 of 1959), read with section 36 thereof, the Government of Kerala hereby make the following Rules further to amend the Kerala Education Rules, 1959, namely:—

RULES

1. *Short title and commencement*.—(1) These rules may be called the Kerala Education (Amendment) Rules, 1983.

(2) They shall come into force at once.

2. *Amendment of the Rules*.—In the Kerala Education Rules, 1959, in Chapter XXXI,—

(1) in clause (b) of sub-rule (3) of rule 2, the proviso under qualification (2) shall be omitted;

(2) in the first *Explanation* under clause (ii) of sub-rule (3) of rule 3,—

(i) the last sentence shall be omitted;

(ii) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that the Ex-service personnel shall have passed the S.S.L.C. Examination or its equivalent qualification.".

By order of the Governor,
P. K. UMASHANKAR,
Commissioner and Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

It may not be possible to start the re-orientation training course in the Physical Education Colleges in the State in the near future. Hence Government intend to delete the requirement of completion of special re-orientation training qualification for Physical Education Teachers. Hence this amendment.

Kerala Gazette No. 7 dated 15th February 1983,
PART I Section iv



GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G.O.(P) No. 191/82/G. Edn. *Dated, Trivandrum, 16th December* 1982.

S. R. O. No. 162/83.—In exercise of the powers conferred by section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following Rules further to amend the Kerala Education Rules, 1959, namely:—

RULES

1. *Short title and commencement*:—(1) These Rules may be called the Kerala Education (Amendment) Rules, 1982.

(2) They shall come into force at once.

2. *Amendment of the Rules*:—In the Kerala Education Rules, 1959, in Chapter XIV (A),—

(1) the existing *Note* under rule 43, shall be numbered as *Note I* and after the Note as so numbered the following *Note* shall be inserted, namely:—

"*Note* 2. Promotion under this rule shall be made from persons possessing the prescribed qualifications at the time of occurrence of vacancy.";

(2) after sub-rule (1) of rule 43B, the following *Note* shall be inserted, namely:—

"*Note.*—Promotion under this sub-rule shall be made according to seniority from persons possessing the prescribed qualifications at the time of occurrence of vacancy.".

By order of the Governor,

P. K. UMASHANKAR,

Commissioner and Special Secretary to Government.

G. 154 (P.T.O.)

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

The Honourable High Court of Kerala in its Judgement dated 13-11-1980 in O.P. No. 479 of 1980 held that for promotions under Rule 43 B (1) (iii). only a lower grade teacher qualified for promotion when the vacancy arose has got preference. It has now been decided to incorporate the above principle in the Rules. Hence the amendment.

Kerala Gazette No. 7 dated 15th February 1983.
PART I **Section iv**

GOVERNMENT OF KERALA

Home (G) Department

NOTIFICATION

G. O. Rt. No. 3378/82/Home. *Dated, Trivandrum, 16th December* 1982.

S. R. O. No. 163/83.—In exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), and in supersession of the notifications issued under G.O.Rt. No. 1651/82/Home dated the 29th June, 1982 and published as S. R. O. No. 845/82 in the Kerala Gazette Extraordinary No. 482 dated the 30th June, 1982 G.O.Rt. No. 2344/82/Home dated the 5th October, 1982 and published as S. R. O. No. 1205/82 in the Kerala Gazette No. 41 dated the 19th October, 1982 and G. O. Rt. No. 2992/82/Home dated the 12th November, 1982 and published as S. R. O. No. 1390/82 in the Kerala Gazette Extraordinary No. 839 dated the 12th November, 1982 the Government of Kerala hereby appoint the persons mentioned in column (1) of the schedule below as Members of the Motor Accident Claims Tribunals specified in the corresponding entries in column (2) of the said schedule.

SCHEDULE

Name of Member (1)		*Name of Tribunal* (2)
Sri G. Rajasekharan	—	Motor Accident Claims Tribunal, Trivandrum.
Sri M. Sudhakaran	—	Motor Accident Glaims Tribunal, Alleppey.
Sri V. P. Yohannan	—	Motor Accident Claims Tribunal, Kottayam.

By order of the Governor,
K. V. VIDYADHARAN,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport.)

As proposed by the High Court, Government have appointed S/Sri V. P. Yohannan, G. Rajasekharan and M. Sudhakaran as Motor Accident Claims Tribunals at Kottayam, Trivandrum and Alleppey in the place of S/Sri Rajasekharan, G., E. Balakrishna Pillai and C. Raghavan respectively. Hence this notification.

G. 1869

GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

No. 87/82/TD. *Dated, Trivandrum,* 17*th December* 1982.

S. R. O. No. 164/83.—In exercise of the powers conferred by sub-secti n (!) and (3) of section 10 of the Kerala General Sales Tax Act, 1963 (15 of 1963), the Government of Kerala hereby make the following an endment to their notifica.ion No. G. O. (Ms.) 2 8/R v. VIII dated the 30th March, 1963 published as S R.O. No. 342/63 in the Kerala Gazette Extra-ordinary No. 71 dated the 3.st March, 1963, is subsequently amended namely:—

AMENDMENT

In the said notification in entry 16 of Schedule II after the words "United Nations Educational Sci ntific and Cultural Organisa.ion" the word United Nations Development Programme shall be inserted.

By order of the Governor,
N. KRISHNAN NAIR,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

By Notification S. R. O. No. 3 2/63. six United Nations agencies have been granted exemption fr m levy of Salestax, Government consider that sales in the name of Un ted Nations Development Programme have also to be treated on the sam footing and exemp.ion allowed. This notification is to achieve the above purpose.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-B) Department

NOTIFICATION

G. O. Rt. No. 1085/82/TF & P. *Dated, Trivandrum, 23rd December* 1982.

S.R.O. No. 165/83.—Whereas, Shri G. Nallamuthu, Puthenkottah Hill, T.C. 40/804, Trivandrum, has purchased a Standard 20—Microbus, the details of which are hereunder given for the purpose of operating the same as a non transport vehicle.

And whereas, the overhang of the said vehicle exceeds the limit prescribed under sub-rule (2) of rule 268 of the Kerala Motor Vehicles Rules, 1961;

And whereas, the Government of Kerala are satisfied that the said vehicle can conveniently be operated as a non transport vehicle with such excess measurement in overhang;

Now, therefore, in exercise of the powers conferred by rule 368 of the Kerala Motor Vehicles Rules, 1961, the Government of Kerala hereby exempt the said vehicle from the provisions of sub-rule (2) of rule 268 of the said Rules.

DETAILS OF THE VEHICLE

Model	—	Standard 20 Microbus
Engine No.	—	SD/19615
Chassis No.	—	25121 D1
Overhang	—	53% of the wheel base.
Wheel base	—	226 centimetres.

By order of the Governor,
T. SANKARAN,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification but is intended to indicate its main purport.)

Shri G. Nallamuthu, Puthenkottah Hill, T.C. 40/804, Trivandrum has requested to exempt the vehicle mentioned in the above notification from the provisions of sub-rule (2) of rule 268 of the K. M. V. Rules, 1961, since the overhang of the vehicle exceeds the limits, prescribed under this rule. The vehicle is intended to be operated as a non-transport vehicle. Government have considered the request in consultation with the Transport Commissioner and decided to grant the exemption sought for. Hence this notification.

G. 1902

GOVERNMENT OF KERALA

Labour (F) Department

NOTIFICATION

G. O. (Rt) 43/83/LBR. *Dated, Trivandrum, 15th January* 1983.

S. R. O. No. 166/83.—In exercise of the powers conferred by sub-section (1) of section 4 of the Kerala Agricultural Works' Act, 1974 (18 of 1974), the Government of Kerala hereby constitute an Agricultural Tribunal, for Wynad District for performing the functions of Agricultural Tribunal under the said Act within the Revenue District of Wynad and under subsection (2) of the said section appoint the Revenue Divisional Officer, Manathavady as the sole member thereof, and consequently make the following amendment to the notification published under G. O. Ms. No. 79/75/LBR dated the 25th September, 1975 as S. R. O. No. 844/75 in the Kerala Gazette Extraordinary No. 556 dated the 25th September, 1975, namely:—

AMENDMENT

In the Schedule to the said notification, after serial No. 11 and the entries relating thereto the following shall be inserted, namely:—

Sl. No.	*Agricultural Tribunal*	*Designation of Officer*	*Jurisdiction*
12	Wynad	Revenue Divisional Officer, Manathavady	Revenue District of Wynad.

By order of the Governor,
V. KRISHNAMURTHY,
Secretary to Government.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

Section 4 of the Agricultural Workers Act, 1974 empowers the Government to constitute Agricultural Tribunal for performing the functions assigned to it under the Act. As per G. O. Ms. 79/75/LBR dated 25-9-1975 Government have constituted eleven Agricultural Tribunal for the various Revenue Districts. Since Wynad is a newly formed Revenue District no Agricultural Tribunal has been constituted. Hence Government have decided to constitute Agricultural Tribunal for that District also. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Revenue (Legislation) Department

NOTIFICATION

G.O. (Ms) No. 1124/82/RD. *Dated Trivandrum 17th December* 1982.

S.R.O.No. 167/83.—In exercise of the powers conferred by section 129 of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following rules further to amend the Kerala Land Reforms (Ceiling) Rules, 1970, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Land Reforms (Ceiling) Amendment Rules, 1982.

(2) They shall come into force at once.

2. *Amendment of Form No.* 17.—In the Kerala Land Reforms (Ceiling) Rules, 1970, in Form No. 17, after item 10, the following item shall be inserted, namely:—

"10A. Number and date of the notice inviting applications for assignment of surplus lands."

By order of the Governor,
U. MAHABALA RAO,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to achieve its general purport.)

It is hardly possible to place the applications for assignment of surplus lands in the connected files in the Collectorates for want of details of the notification or the details of the lands applied for, in those applications. It has therefore become necessary to include an additional item as item No. 10A in Form No. 17 of the Kerala Land Reforms (Ceiling) Rules, 1970.

The notification is intended to achieve the above object.

Government of Kerala
1983

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 15th February 1983 / 26th Magha 1904 [No. 150

GOVERNMENT OF KERALA

Home (SS-A) Department

NOTIFICATION

No. 5423/SSA1/83/Home. *Dated, Trivandrum, 15th February,* 1983.

S. R. O. No. 184/83.—Under section 11 of the Essenti 'Services Maintenance Act, 1981 (Central Act 40 of 1981), the Government of Kerala hereby specially empower all Judicial Magistrates of the First Class in the State of Kerala, to try in a summary way all offences under the said Act, within the local limits of their respective jurisdiction.

By order of the Governor,

K. V. Vidyadharan,
Special Secretary to Government.

33/527/MC.

Explanatory Note

(This does not form part of the notification but it is intended to indicate its general purport).

Consequent on the enactment of the Essential Services Maintenance Act, 1981 (Central Act 40 of 1981) it is considered necessary to empower the Judicial Magistrates of the First Class in the State, for the purpose of section 11 of the said Act. Hence this notification.

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Reg. No. KL/TV(N)/12

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Government of Kerala
1983



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 15th February 1983 / 26th Magha 1904 [No. 151

GOVERNMENT OF KERALA

Home (SS-A) Department

ORDER

No. 5423/SSA1/83/Home. *Dated, Trivandrum, 15th February* 1983.

S. R. O. No. 185/83.—WHEREAS in exercise of the powers conferred by clause (1) of article 258 of the Constitution of India, the President has, by Notification No. 1/11025/26/81-IS-US-DII dated the 14th September, 1982 of the Ministry of Home Affairs, Government of India published as, S. O. 664(E) in the Gazette of India Extraordinary No. 407, Part II, Section 3, sub-section (ii) dated the 14th September, 1982, entrusted to the Government of Kerala, with their consent, the functions of the Central Government in making orders of the nature specified in section 3 of the Essential Services Maintenance Act, 1981 (Central Act 40 of 1981), in so far as they relate to any service in any establishment or undertaking dealing with the production, supply or distribution of power;

AND WHEREAS the Government of Kerala are satisfied that in the public interest it is necessary to prohibit strikes in any service in the Idukki stage II & III Projects, Sabarigiri and Kuttiyadi Augmentation Schemes and Idamalayar Project which are integral part of the existing schemes which are already producing power.

Now, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the Essential Services Maintenance Act, 1981 (Central Act 40 of 1981), the Government of Kerala hereby prohibit strikes in any service in the Idukki stage II & III Projects, Sabarigiri and Kuttiyadi Augmentation Schemes and Idamalayar Project which are integral parts of the existing schemes which are already producing power.

By order of the Governor,

K. V. VIDYADHARAN,
Special Secretary to Government.

Explanatory Note

(This note does not form part of this order, but is intended to indicate its general purport.)

Government notice that the progress of works in Idukki stage II & III Projects, Sabarigiri and Kuttiyadi Augmentation schemes and Idamalayar Project get disrupted because of sudden and frequent strikes by the workers engaged in the work and the results of such strikes which are increasing in frequency now, has been considerable delay in completion of works and large scale price escalation and heavy cost to the Electricity Boards and it is essential in public interest to complete these Hydro Electric Projects which are integral part of the existing schemes which are already supplying power Hence this order.

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Government of Kerala
1983

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 15th February 1983 / 26th Magha 1904 (Saka) [No. 147

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-B) Department

DECLARATION

No. 22090/TB2/82/TF & P. *Dated, Trivandrum, 7th February 1983.*

S.R.O. No. 181/83—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to acquisition of lands for the purpose of the Union in the State of Kerala ;

And whereas, under subsection (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962), Notification No. 5594/TB2/82/T F & P dated the 23rd April, 1982 in respect of the lands specified in the schedule below has been published as S.R.O. No. 614/82 in the Kerala Gazette Extraordinary No. 337 dated the 5th May, 1982;

And whereas, under subsection (4) of section 19 of the said Act, the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas, the Government of Kerala are satisfied that the said lands have to be acquired for a public purpose;

33/524/S

Now, therefore, the Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.0934 Hectare be the same a little more or less, are needed for a public purpose, to wit for doubling rail track between Mulangunnathukavu and Trichur Railway Stations and under section 7 of the said Act direct the Special Tahsildar (Land Acquisition) Railways, Trichur-3 to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, the Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the said Act.

A plan of the lands is kept in the Office of the Special Tahsildar (Land Acquisition), Railways, Trichur-3 and may be inspected at any time during office hours.

SCHEDULE

District—Trichur.

Taluk—Trichur. Village—Trichur.

(Block No.—236)

(The extent given is approximate)

Description—Dry

Sl. No.	*Sy. No.*	*Extent in Hectare*
1	1666/1	0.0202
2	1666/2	0.0040
3	1666/3	0 0121
4	1666/5	0 0020
5	1667/1-4	0.0010
6	1667/3-6	0.0210
7	1668/1-14	0.0010
8	1668/3-15	0.0160
9	1668/4-16	0.0080
10	1668/5-17	0.0081
	Total	0.0934

Explanatory Note

(This is not part of the notification but is intended to bring out the general purport).

The President of India has in Notification No. 2/4/63/Judl.II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire lands for the use of the Central Government in the State and it appears to the State Government that the lands mentioned in the

schedule above are needed for a public purpose viz. for the doubling of rail track between Mulangunnathukavu and Tricbur Railway Stations.

This declaratlon is intended for the above purpose.

എസ്.ആർ.ഒ. നമ്പർ 181/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാംഖണ്ഡം മൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനം മൂലം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതുസംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുന്നതിനാലും;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 3-ാം വകുപ്പു (1)-ാം ഉപവകുപ്പുപ്രകാരം 1982 മെയ് 5-ാം തീയതിയിലെ 337-ാം നമ്പർ അസാധാരണ കേരള ഗസറ്റിൽ എസ്. ആർ. ഒ. നമ്പർ 614/82 എന്ന നമ്പരിൽ 1982 ഏപ്രിൽ 23-ാം തീയതിയിലെ 5594/റി. ബി2/82/റി. എഫ് ആൻറ് പി. എന്ന നമ്പർ വിജ്ഞാപനം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധീകരിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത ആക്റ്റ്, 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പു പ്രകാരം സംഗതിയുടെ അടിയന്തിര സ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത സ്ഥലം ഒരു പൊതുആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്നു കേരള സർക്കാരിന് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും; ഇപ്പോൾ അതിനാൽ, പ്രസ്തുത ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം കേരള സർക്കാർ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 0.0934 ഹെക്ടർ വിസ്തീർണ്ണത്തിൽ അല്പം കൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതുആവശ്യത്തിന് അതായത്, മുളംകുന്നത്തുകാവിനും തൃശ്ശൂരിനും ഇടയ്ക്ക് റയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും പ്രസ്തുത ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം പ്രസ്തുത സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവു സ്വീകരിക്കുന്നതിന് തൃശ്ശൂർ-3 റെയിൽവേ (സ്ഥലമെടുപ്പ്) സ്പെഷ്യൽ തഹശീൽദാരോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

മാത്രമല്ല, പ്രസ്തുത ആക്റ്റ് 9-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ 15 ദിവസം കഴിയുമ്പോൾ, പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്തിയെടുക്കേണ്ടതാണെന്നും സർക്കാർ 19-ാം വകുപ്പ്, (1)-ാം ഉപവകുപ്പുപ്രകാരം കളക്റ്ററോട് നിർദ്ദേശിക്കുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ തൃശ്ശൂർ-3 റെയിൽവേ സ്ഥലമെടുപ്പ് സ്പെഷ്യൽ തഹശീൽദാരുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോൾ വേണമെങ്കിലും പരിശോധിക്കാവുന്നതുമാണ്.

പട്ടിക

ജില്ല—തൃശ്ശൂർ.

വില്ലേജ്—തൃശ്ശൂർ.

താലൂക്ക്—തൃശ്ശൂർ.

ബ്ലോക്ക് നമ്പർ—236.

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്.)

വിവരണം—പുരയിടം

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ		വിസ്തീർണ്ണം ഹെക്ടർ.
1	1666/1		0.0202
2	1666/2		0.0040
3	1666/3		0.0121
4	1666/5		0.0020
5	1667/1-4		0.0010
6	1667/3-6		0.0210
7	1668/1-14		0.0010
8	1668/3-15		0.0160
9	1668/4-16		0.0080
10	1668/5-17		0.0081
		ആകെ	0.0934

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് മുളംകുന്നത്തുകാവിനും തൃശ്ശൂരിനും ഇടയ്ക്ക് റയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമാണെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽ പറഞ്ഞ ഉദ്ദേശം നിറവേററുന്നതിനുവേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,

T. Sankaran,

Additional Secretary to Government.

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Government of Kerala
1983

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-B) Department

NOTIFICATION

No. 29189/TB2/82/TF&P. *Dated, Trivandrum 8th February 1983.*

S. R. O. No. 178/83—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of land for the purpose of the Union, in the State of Kerala ;

And whereas, it appears to the Government of Kerala that the land specified in the Schedule below is needed or is likely to be needed for a public purpose, to wit for doubling rail track between Irrinjalakuda and Ghalakudy Railway Stations.

Now, therefore, notice to that effect is hereby given to all whom it may concern, in accordance with the provisions of subsection (1) of section 3 of the said Act.

Under subsection (4) of section 19 of the said Act, the Government direct that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to this case.

33/521/V.

SCHEDULE

District—Trichur.

Taluk—Mukundapuram | Village—Perambra.

(Block No. 254)

(The extent given is approximate)

Survey No.	*Classification*	*Extent in Hectare*
517/2	Dry	0.0324

Explanatory Note

(This is not part of the notification but is intended to bring out the general purport).

The President of India has in notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers acquire land for the use of Gentral Government in the State and it appears to the State Government that the land mentioned in the schedule above is needed for a public purpose viz. for doubling of rail track between Irrinjalakuda and Ghalakudy.

This Notification is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 178/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്രസർക്കാരിന്റെ ചുമതലകൾ, കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുന്നതിനാലും ;

താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതുക്കാര്യത്തിന് അതായത് ഇരിങ്ങാലക്കുട റയിൽവേസ്റ്റേഷനും ചാലക്കുടി റയിൽവേസ്റ്റേഷനും ഇടയ്ക്കുള്ള റയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമുണ്ടെന്നോ ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ കേരള സർക്കാരിന് തോന്നുന്നതിനാലും ;

ഇപ്പോൾ, അതിനാൽ, അതുസംബന്ധിച്ച നോട്ടീസ്, ബന്ധപ്പെട്ട എല്ലാ പേർക്കും പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിലെ വ്യവസ്ഥകൾ പ്രകാരം ഇതിനാൽ നൽകുന്നു.

പ്രസ്തുത ആക്റ്റ് 19-ാംവകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം സംഗതിയുടെ അടിയന്തിരസ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ട് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ ഈ സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്നു സർക്കാർ നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പട്ടിക

ജില്ല—തൃശ്ശൂർ.

താലൂക്ക്—മുകുന്ദപുരം. | വില്ലേജ്—പേരാമ്പ്ര.

(ബ്ലോക്ക് നമ്പർ 254)

(ഏകദേശ വിസ്തീർണ്ണമാണ് നൽകിയിരിക്കുന്നത്.)

സർവ്വേ നമ്പർ 517/2

തരംതിരിക്കൽ—പുരയിടം

വിസ്തീർണ്ണം—0.0324 ഹെക്ടർ.

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ പ്രസിഡന്റ്, 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും, മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതുആവശ്യത്തിന് അതായത് ഇരിഞ്ഞാലക്കുടയ്ക്കും പാലക്കുടിക്കും ഇടയ്ക്കുള്ള റയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമാണെന്ന് സംസ്ഥാന സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപറഞ്ഞ ആവശ്യത്തിനുവേണ്ടിയുള്ളതാണ് ഈ വിജ്ഞാപനം.

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Tuesday, 15th February 1983 / 26th Magha 1904 (Saka) [No. 145

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (Transport-B) Department

DECLARATION

No. 30728/TB2/82/TF&P. *Dated, Trivandrum, 8th February* 1983.

S.R.O. No. 179/83.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963, entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to acquisition of lands for the purpose of the Union in the State of Kerala;

And whereas, under subsection (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962), Notification No. 2242/TB2/80/W&T. dated the 2nd April, 1980, in respect of the lands specified in the schedule below has been published as S.R.O. No. 357/80 in the Kerala Gazette Extraordinary No. 265 dated the 5th April, 1980;

And whereas, under subsection (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas, the Government of Kerala are satisfied that the said lands have to be acquired for a public purpose;

33/522/B.

Now, therefore, the Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.2591 Hectare be the same a little more or less are needed for a public purpose, to wit for the construction of Ernakulam-Alleppey Broad Gauge Railway Line and under section 7 of the said Act, direct the Special Tahsildar (Land Acquisition) Railways, Alleppey to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the said Act.

A plan of the lands is kept in the Office of the Special Tahsildar (Land Acquisition) Railways, Alleppey and may be inspected at any time during office hours.

SCHEDULE

District—Alleppey

Taluk—Ambalapuzha Village—Aryad South

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*	*Extent in Hectare*
(1)	(2)	(3)	(4)
		(Block No. VII)	
1.	376/2A6	Dry	0.0050
2.	376/3A9,B10	,,	0.0310
3.	376/3A10,B11	Present road	0.0180
4.	376/3A11 B12	Dry	0.0680
5.	376/3A14	Dry	0.0036
6.	376/3A16 B14	Dry	0.1150
			0.2406
		(Block No. VIII)	
7.	376/7-2	Dry	0.0185
		Total	0.2591

Explanatory Note

(This is not part of the notification but is intended to bring out the general purport.)

The President of India has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire land for the use of the Central Government in the State and it

appears to the State Government that the lands mentioned in the schedule above is needed for a public purpose viz. for the construction of Ernakulam-Alleppey Broad Gauge Railway Line.

This Declaration is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 179/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരംമൂലം വിനിയോഗിച്ച് രാഷ്ട്രപതി 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും ;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം 1980 ഏപ്രിൽ 5-ാം തീയതിയിലെ 265-ാം നമ്പർ അസാധാരണ കേരള ഗസറ്റിൽ എസ്. ആർ. ഒ. നമ്പർ 357/80 എന്ന നമ്പരിൽ 1980 ഏപ്രിൽ 2-ാം തീയതിയിലെ 2242/റി. ബി.2/80/ഡബ്ലിയൂ. ആൻറ് റി. എന്ന നമ്പർ വിജ്ഞാപനം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധീകരിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം സംഗതിയുടെ അടിയന്തിര സ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും ;

പ്രസ്തുത സ്ഥലം ഒരു പൊതു ആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും, ഇപ്പോൾ, അതിനാൽ പ്രസ്തുത ആക്ട് 6-ാം വകുപ്പു പ്രകാരം കേരള സർക്കാർ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 0.2591 ഹെക്ടർ വിസ്തീർണ്ണത്തിൽ അൽപ്പം കൂടുതലോ കുറവോ, വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് എറണാകുളം ആലപ്പുഴ ബ്രോഡ്ഗേജ് റയിൽപ്പാത നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും പ്രസ്തുത ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം പ്രസ്തുത സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിക്കുന്നതിന് ആലപ്പുഴ റെയിൽവേ (സ്ഥലമെടുപ്പ്) സ്പെഷ്യൽ തഹശീൽദാരോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

മാത്രമല്ല, പ്രസ്തുത ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതിമുതൽ പതിനഞ്ച് ദിവസം കഴിയുമ്പോൾ പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്തിയെടുക്കേണ്ടതാണെന്നും സർക്കാർ 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം കളക്ടറോട് നിർദ്ദേശിക്കുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ ആലപ്പുഴ റെയിൽവേ സ്ഥലമെടുപ്പ് (സ്പെഷ്യൽ) തഹശീൽദാരുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോൾ വേണമെങ്കിലും പരിശോധിക്കാവുന്നതുമാണ്.

പട്ടിക

ജില്ല—ആലപ്പുഴ

താലൂക്ക്—അമ്പലപ്പുഴ

വില്ലേജ്—ആര്യാട് തെക്ക്

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ഹെക്ടറിൽ
(1)	(2)	(3)	(4)
		(ബ്ളോക്ക് നംബർ 7)	
1.	376/2എ6	പുരയിടം	0.0050
2.	376/3എ9, ബി10	,,	0.0310
3.	376/3എ10, ബി11	ഇപ്പോഴുള്ള റോഡ്	0.0180
4	376/3എ11 ബി12	പുരയിടം	0.0680
5.	376/3എ14	,,	0.0036
6	376/3എ16 ബി14	,,	0.1150
			0.2406
		(ബ്ലോക്ക് നമ്പർ 8)	
7.	376/7-2	പുരയിടം	0.0185
		ആകെ	0.2591

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതുക്കാര്യത്തിന് അതായത് എറണാകുളം ആലപ്പുഴ ബ്രോഡ്ഗേജ് റെയിൽവേ ലൈൻ നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് സംസ്ഥാന സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽ പറഞ്ഞ ഉദ്ദേശം നിറവേററുന്നതിനുവേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

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Vol. XXVIII] Trivandrum, Tuesday, 15th February 1983 / 26th Magha 1904 (Saka) [No. 148

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport—B) Department

DECLARATION

No. 711/TB2/83/TF & P. *Dated, Trivandrum, 8th February 1983.*

S. R. O. No. 182/83.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of lands for the purpose of the Union in the State of Kerala;

And, whereas, under subsection (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962), Notification No. 369/TB2/80/W & T. dated the 19th March, 1980 in respect of the lands specified in the schedule below has been published as S.R.O. No. 465/80 in the Kerala Gazette Extraordinary No. 345 dated the 19th May, 1980;

And, whereas, under subsection (4) of section 19 of the said Act, the Government of Kerala have directed that in view of the urgency of the case the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas, the Government of Kerala are satisfied that the said lands have to be acquired for a public purpose;

33/525/83/V.

Now, therefore, the Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 5.19 Ares, be the same a little more or less, are needed for a public purpose to wit for the construction of Ernakulam-Alleppey Broad-gauge Railway line and under section 7 of the said Act, direct the Special Tahsildar (Land Acquisition), Railways, Shertallai to take order for the Acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, the Government direct that the collector may take possession of the lands on the expiry of 15 days from the date of publication of the notice mentioned in subsection (1) of section 9 of the said Act.

A plan of the lands is kept in the Office of the Special Tahsildar (Land Acquisition), Railways, Shertallai and may be inspected at any time during office hours.

SCHEDULE

District—Alleppey.

Taluk—Shertallai. *Village*—Vayalar West.

Block No. XI

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*	*Extent in Hectares*
1	113/1/B3	Dry	00 17
2	113/1/B4	,,	00.51
3	113/1/B5	,,	00.70
4	113/1/C3	,,	00.20
5	113/1/C4	,,	00.47
6	113/1/C5	,,	00.66
7	113/1/D6	,,	01.15
8	113/1/D7	,,	00.87
9	113/1/D8	,,	00.46
		Total	05.19

Explanatory Note

(This is not part of the notification but is intended to bring out the general purport).

The President of India has in Notification No. 2/4/63/ Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire land for the use of the Central Government in the State and it appears to the State Government that the land mentioned in the schedule above is needed for a public purpose viz. for the construction of Ernakulam Alleppey Broad-gauge Railway line.

This Declaration is intended for the above purpose.

എസ്.ആർ.ഒ.നമ്പർ 182/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, രാഷ്ട്രപതി, 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനം മൂലം കേരള സംസ്ഥാനത്ത്, യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുകയാലും;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) 3-ാം വകുപ്പു (1)-ാം ഉപവകുപ്പു പ്രകാരം 1980 മേയ് 19-ാം തീയതിയിലെ 345-ാം നമ്പർ അസാധാരണ കേരളാഗസററിൽ എസ്. ആർ. ഒ. നമ്പർ 465/80 എന്ന നമ്പരിൽ 1980 മേയ് 19-ാം തീയതിയിലെ 369/ററി. ബി. 2/80/ഡബ്ളിയു. ആൻറ് ററി. എന്ന നമ്പർ വിജ്ഞാപനം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധീകരിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത ആക്ട് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം സംഗതിയുടെ അടിയന്തിരസ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ററ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത സ്ഥലം ഒരു പൊതു ആവശ്യത്തിന് വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിനു ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും, ഇപ്പോൾ, അതിനാൽ, പ്രസ്തുത ആക്ട് 6-ാം വകുപ്പുപ്രകാരം കേരള സർക്കാർ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 05 ആർ. 19 ച.മീ. വിസ്തീർണ്ണത്തിൽ അല്പം കൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിന്, അതായത് എറണാകുളം-ആലപ്പുഴ ബ്രോഡ്ഗേജ് റെയിൽപ്പാത നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്നു ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, പ്രസ്തുത ആക്ട് 7-ാം വകുപ്പുപ്രകാരം പ്രസ്തുത സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവു സ്വീകരിക്കുന്നതിന് ചേർത്തല റെയിൽവേ സ്പെഷ്യൽ തഹശീൽദാരോട് (ലാൻറ് അക്വിസിഷൻ) നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

മാത്രമല്ല, പ്രസ്തുത ആക്ട് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ 15 ദിവസം കഴിയുമ്പോൾ പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്തിയെടുക്കേണ്ടതാണെന്നും സർക്കാർ 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം കളക്ടറോട് നിർദ്ദേശിക്കുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ ചേർത്തല റയിൽവേ സ്പെഷ്യൽതഹശീൽദാരുടെ (എൽ. ഏ.) ആഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോഴും വേണമെങ്കിലും പരിശോധിക്കാവുന്നതുമാണ്.

പട്ടിക

ജില്ല—ആലപ്പുഴ

താലൂക്ക്—ചേർത്തല | വില്ലേജ്—വയലാർ വെസ്ററ്

(ബ്ലോക്ക് നമ്പർ 11)

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമനമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ആർ. ച. മീ.
1	113/1/ബി13	പുരയിടം	00.17
2	113/1/ബി14	,,	00.51
3	113/1/ബി15	,,	00.70
4	113/1/സി13	,,	00.20
5	113/1/സി14	,,	00.47
6	113/1/സി15	,,	00.66
7	113/1/ഡി16	,,	01.15
8	113/1/ഡി17	,,	00.87
9	113/1/ഡി18	,,	00.46
		ആകെ	05.19

<u>വിശദീകരണക്കുറിപ്പ്</u>

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63 ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനം മൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്രസർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് എറണാകുളം-ആലപ്പുഴ ബ്രോഡ്ഗേജ് റെയിൽപ്പാത നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപ്പറഞ്ഞ ഉദ്ദേശം നിറവേറ്റുന്നതിനു വേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,
T. SANKARAN,
Additional Secretary to Government.

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Reg. No. KL/TV(N)/12

Government of Kerala
1983



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GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport–B) Department

DECLARATION

No. 4835/TB2/82/TF & P. *Dated, Trivandrum, 8th February* 1983.

S.R.O. No. 183/83.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India the President has in Notification No. 2/4/63 Judicial II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of lands for the purpose of the Union in the State of Kerala;

And whereas, under subsection (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962), Notification No. 23897/TB2/83/TF & P dated the 16th October, 1981 in respect of the lands specified in the Schedule below has been published as S.R.O. No. 1256/81 in the Kerala Gazette Extraordinary No. 849 dated the 31st October, 1981;

And whereas, under subsection (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas, the Government of Kerala are satisfied that the said lands have to be acquired for a public purpose ;

33/526/S

Now, therefore, the Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.1068 hectare be the same a little more or less, are needed for a public purpose to wit for doubling rail track between Irinjalakuda and Chalakudy and under section 7 of the said Act direct the Special Tahsildar (Land Acquisition), Railways, Trichur-3 to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the said Act.

A plan of the lands is kept in the Office of the Special Tahsildar (Land Acquisition), Railways, Trichur-3 and may be inspected at any time during office hours.

SCHEDULE

District—Trichur.

Taluk—Mukundapuram. Village—Perambra.

(Block No. 211)

(The extent given is approximate)

Description—Dry.

Sl. No.	*Sy. Nos.*	*Extent in Hectare*
1	517/1-10	0.0090
2	517/7-12	0.0125
3	517/8-13	0.0265
4	517/9	0.0020
5	520/4-9	0.0495
6	520/6-10	0.0073
	Total	0.1068

Explanatory Note

(This is not part of the notification, but is intended to bring out the general purport.)

The President of India has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the powers to acquire land for the use of the Central Government in the State, and it appears to the State Government that the lands mentioned in the Schedule above is needed for a public purpose viz., for the doubling of rail track between Irinjalakuda and Chalakudy Railway Stations.

This declaration is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 183/83.—ഇൻഡ്യൻ ഭരണഘടന 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നല്കപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, രാഷ്ട്രപതി 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനം മൂലം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിരിക്കയാലും;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ്. (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം 1981 ഒക്ടോബർ 31-ാം തീയതിയിലെ 849-ാം നമ്പർ അസാധാരണ കേരള ഗസററിൽ എസ്. ആർ. ഒ. നമ്പർ 1256/81 എന്ന നമ്പരിൽ 1981 ഒക്ടോബർ 16-ാം തീയതിയിലെ 23897/റ്റി.ബി2/81/റ്റി. എഫ്. ആൻറ് പി. നമ്പർ എന്ന വിജ്ഞാപനം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധപ്പെടുത്തിയിട്ടുള്ളതിനാലും ;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം സംഗതിയുടെ അടിയന്തിരസ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും ;

പ്രസ്തുത സ്ഥലം ഒരു പൊതു ആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിനു ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും ; ഇപ്പോൾ, അതിനാൽ പ്രസ്തുത ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം കേരളസർക്കാർ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള 0.1063 ഹെക്ടർ വിസ്തീർണ്ണത്തിൽ അല്പം കൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് ചാലക്കുടിക്കും ഇരിങ്ങാലക്കുടയ്ക്കും ഇടയ്ക്ക് റയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, പ്രസ്തുത ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം പ്രസ്തുത സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിക്കുന്നതിന് തൃശ്ശൂർ 3-ലെ സ്ഥലമെടുപ്പ് സ്പെഷ്യൽ തഹശീൽദാരോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

മാത്രമല്ല, പ്രസ്തുത ആക്റ്റ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ 15 ദിവസം കഴിയുമ്പോൾ പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്താവുന്നതാണെന്നും സർക്കാർ 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കളക്ടറോട് നിർദ്ദേശിക്കുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ തൃശ്ശൂർ റെയിൽവേ സ്ഥലമെടുപ്പ് സ്പെഷ്യൽ തഹശീൽദാരുടെ ഓഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ്സമയത്ത് എപ്പോൾ വേണമെങ്കിലും പരിശോധിക്കാവുന്നതുമാണ്.

പട്ടിക

ജില്ല—തൃശ്ശൂർ.

താലൂക്ക്—മുകുന്ദപുരം. വില്ലേജ്—പോട്ട.

(ബ്ലോക്ക് നമ്പർ 211)

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

വിവരണം—പുരയിടം.

ക്രമനമ്പർ	സർവ്വെ നമ്പർ	വിസ്തീർണ്ണം ഹെക്ടർ
1	517/1-10	0.0090
2	517/7-12	0.0125
3	517/8-13	0.0265
4	517/9	0.0020
5	520/4-9	0.0495
6	520/6-10	0.0073
	ആകെ	0.1068

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇന്ത്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനം മൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്രസർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന്, അതായത് ഇരിങ്ങാലക്കുടയ്ക്കും ചാലക്കുടിക്കും ഇടയ്ക്കു റയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമുണ്ടെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപ്പറഞ്ഞ ഉദ്ദേശം നിറവേറ്റുന്നതിനുവേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government.

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Government of Kerala
1983

Reg. No. KL/TV(N)/12



KERALA GAZETTE

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GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport-B) Department

DECLARATION

No. 20042/TB2/82/TF&P. *Dated, Trivandrum, 8th February 1983.*

S.R.O. No.180/83.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (21 of 1962), in relation to the acquisition of lands for the purpose of the Union in the State of Kerala;

And whereas, under subsection (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962) Notification No. 8458/TB2/82/TF&P. dated the 9th June 1982 in respect of the lands specified in the schedule below has been published as S.R.O. No. 776/82 in the Kerala Gazette Extraordinary No. 439 dated the 17th June 1982;

And whereas, under sub section (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case the provisions of section 5 of the Act shall not apply to the lands specified in the schedule below;

And whereas, the Government of Kerala are satisfied that the said lands have to be acquired for a public purpose;

33/523/83/J.

Now, therefore, the Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 0.1900 hectare be the same a little more or less are needed for a public purpose, to wit for doubling rail track between Wadakancherry and Mulangunnathukavu Railway Stations and under section 7 of the said Act direct the Special Tahsildar (Land Acquisition) Railways, Trichur-3 to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the said Act.

A plan of the lands is kept in the Office of the Special Tahsildar (Land Acquisition) Railways, Trichur-3 and may be inspected at any time during office hours.

SCHEDULE

District—Trichur

Taluk—Talappilly | *Village*—Minalur

Block No. 104

(The extent given is approximate)

Sl.No.	*Survey No.*	*Description*	*Extent in hectare*
1	78/2	Wet	0.1125
2	79/2	Dry	0.0775
		Total	0.1900

Explanatory Note

(This is not part of the Notification, but is intended to bring out the general purport.)

The President of India has in Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire land for the use of the Central Government in the State and it appears to the State Government that the lands mentioned in the schedule above is needed for a public purpose viz. for the doubling of rail track between Wadakkancherry and Mulangunnathukavu Railway Stations.

This Declaration is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 180/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച്, രാഷ്ട്രപതി 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം കേരള സംസ്ഥാനത്ത്, യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിന്റെ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം 1982 ജൂൺ 17-ാം തീയതിയിലെ 439-ാം നമ്പർ അസാധാരണ കേരള ഗസററിൽ എസ്. ആർ. ഒ. നമ്പർ 776/82 എന്ന നമ്പരിൽ 1982 ജൂൺ 9-ാം തിയതിയിലെ 8458/ററി. ബി. 2/82/ററി. എഫ്.ആൻറ് പി. എന്ന നമ്പർ വിജ്ഞാപനം താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് പ്രസിദ്ധീകരിച്ചിരിക്കുന്നതിനാലും ;

പ്രസ്തുത ആക്ട് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പു പ്രകാരം സംഗതിയുടെ അടിയന്തിര സ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ട് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സംഗതിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും ;

പ്രസ്തുത സ്ഥലം ഒരു പൊതു ആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യം വന്നിരിക്കുന്നതിനാലും, ഇപ്പോൾ അതിനാൽ, പ്രസ്തുത ആക്ററ് 6-ാം വകുപ്പു പ്രകാരം കേരള സർക്കാർ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 0.1900 ഹെക്ടർ വിസ്തീർണ്ണത്തിൽ അല്പം കൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് വടക്കാംഞ്ചേരി മുളംകുന്നത്തുകാവ് റെയിൽവേസ്റേറഷനുകൾക്കിടയ്ക്ക് റെയിൽപ്പാത ഇരട്ടിപ്പിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും പ്രസ്തുത ആക്ട് 7-ാം വകുപ്പു പ്രകാരം പ്രസ്തുത സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിക്കുന്നതിന് തൃശ്ശൂർ-3 റയിൽവേ (സ്ഥലമെടുപ്പ്)സ്പെഷ്യൽ തഹശിൽദാരോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

മാത്രമല്ല, പ്രസ്തുത ആക്ട് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിയുമ്പോൾ പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്തിയെടുക്കേണ്ടതാണെന്നും സർക്കാർ 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കളക്ടറോട് നിർദ്ദേശിക്കുന്നു.

സ്ഥലത്തിൻെറ പ്ലാൻ തൃശ്ശൂർ 3 റയിൽവേ (സ്ഥലമെടുപ്പ്) സ്പെഷ്യൽ തഹശീൽദാരുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോൾ വേണമെങ്കിലും പരിശോധിക്കാവുന്നതുമാണ്.

പട്ടിക

ജില്ല—തൃശ്ശൂർ

താലൂക്ക്—തലപ്പിള്ളി. വില്ലേജ്—മിണലൂർ.

ബ്ലോക്ക് നമ്പർ 104

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
1	78/2	നിലം	0.1125
2	79/2	പുരയിടം	0.0775
		ആകെ	0.1900

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം ഈ സംസ്ഥാനത്ത് കേന്ദ്രസർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതുആവശ്യത്തിന് അതായത് വടക്കാഞ്ചേരി മുളംകുന്നത്തുകാവ് റെയിൽവേസ്റ്റേഷനുകൾക്കിടയ്ക്ക് റെയിൽപ്പാത ഇരട്ടിന്നതിന് ആവശ്യമാണെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപ്പറഞ്ഞ ഉദ്ദേശം നിറവേറ്റുന്നതിനു വേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,

T. SANKARAN,

Additional Secretary to Government

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